



US Army Corps
of Engineers
Seattle District

Public Notice of Application for Permit

Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (206) 764-3495
ATTN: Olivia Romano , Project Manager

Public Notice Date: July 1, 2005
Expiration Date: July 21, 2005
Reference: 200400990
Name: Lapin, Gene and Margerat

20-Day comment period

Interested parties are hereby notified that an application has been received for a Department of the Army permit in accordance with Section 10 of the Rivers and Harbors Act of 1899, and Section 404 of the Clean Water Act for certain work described below and shown on the enclosed drawings.

APPLICANT: Mr. Gene and Ms. Margaret Lapin
802 Berg Court Northwest
Gig Harbor, Washington 98335

AGENT: Marine Floats
Mr. Wendell Stroud
Post Office Box 336
Tacoma, Washington 98401
Telephone: (253) 383-2740

LOCATION: In Wollochet Bay, Puget Sound, at Gig Harbor, Pierce County, Washington.

WORK: Construction of a 6-foot wide by 150-foot long marine railway extending from the existing boathouse into Wollochet Bay. The work consists of the installation of thirty 10-inch PVC pipes filled with concrete below the mean higher high water (MHHW) line. The rails will be supported every 10 feet by a pair of concrete filled PVC pipes. The concrete/PVC supports will be buried 2.5 feet into the substrate and will support the rails 6-inches above the beach.

PURPOSE: The purpose of the project is to provide recreational access to the water.

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. The Puget Sound Chinook, (*Oncorhynchus tshawytscha*), threatened; Coastal Puget Sound bull trout (*Salvelinus confluentus*), threatened; Bald eagle (*Haliaeetus leucocephalus*) threatened; Marbled murrelet (*Brachyramphus marmoratus*), threatened; Steller sea lion (*Eumetopias jubatus*), threatened; Humpback whale, (*Eumetopias jubatus*), threatened; Leatherback sea turtle (*Dermochelys coriacea*), endangered; and Southern Resident killer whale, (*Orcinus orca*) proposed threatened in the state of Washington, may occur in the proposed project area. For Chinook and bull trout, critical habitat has been proposed. The U.S. Army Corps of Engineers (Corps) made a determination of "may affect, not likely to adversely affect" Chinook, bull trout, bald eagle, Steller sea lion and Marbled murrelet; "no

effect" for Humpback whale and Leatherback sea turtle; and "not likely to jeopardize the continued existence" of killer whale. A determination of "no destruction or adverse modification" to Chinook proposed critical habitat. There is no proposed critical habitat for bull trout in the project area. On January 31, 2005, and June 6, 2005, concurrence with Corps determinations was received from NMFS and USFWS, respectively.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The U.S. Army Corps of Engineers (Corps) has determined that the proposed action will not adversely affect designated EFH for federally managed fisheries in Washington waters. No further EFH consultation is necessary.

CULTURAL RESOURCES: The District Engineer has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. Known historic properties occur in the vicinity of the proposed project. However, they do not occur in the permit area. The proposed work is of such a limited nature and extent that little likelihood exists for the proposed project to impinge upon an undisturbed historic property. The District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area. This public notice initiates consultation under Section 106 of the National Historic Preservation Act (36 CFR 800.4[a][3]), with any Tribe that has information or concerns with historic properties in the proposed permit area.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

The proposed discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the Clean Water Act. These guidelines require an alternatives analysis for any proposed discharge of dredged or fill material into waters of the United States.

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ADDITIONAL EVALUATION - The State of Washington is reviewing this work for consistency with the approved Washington Coastal Zone Management Program and for compliance with the applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act.

This proposal is the subject of Shorelines Substantial Development Permit No. 382519 which has been issued by Pierce County.

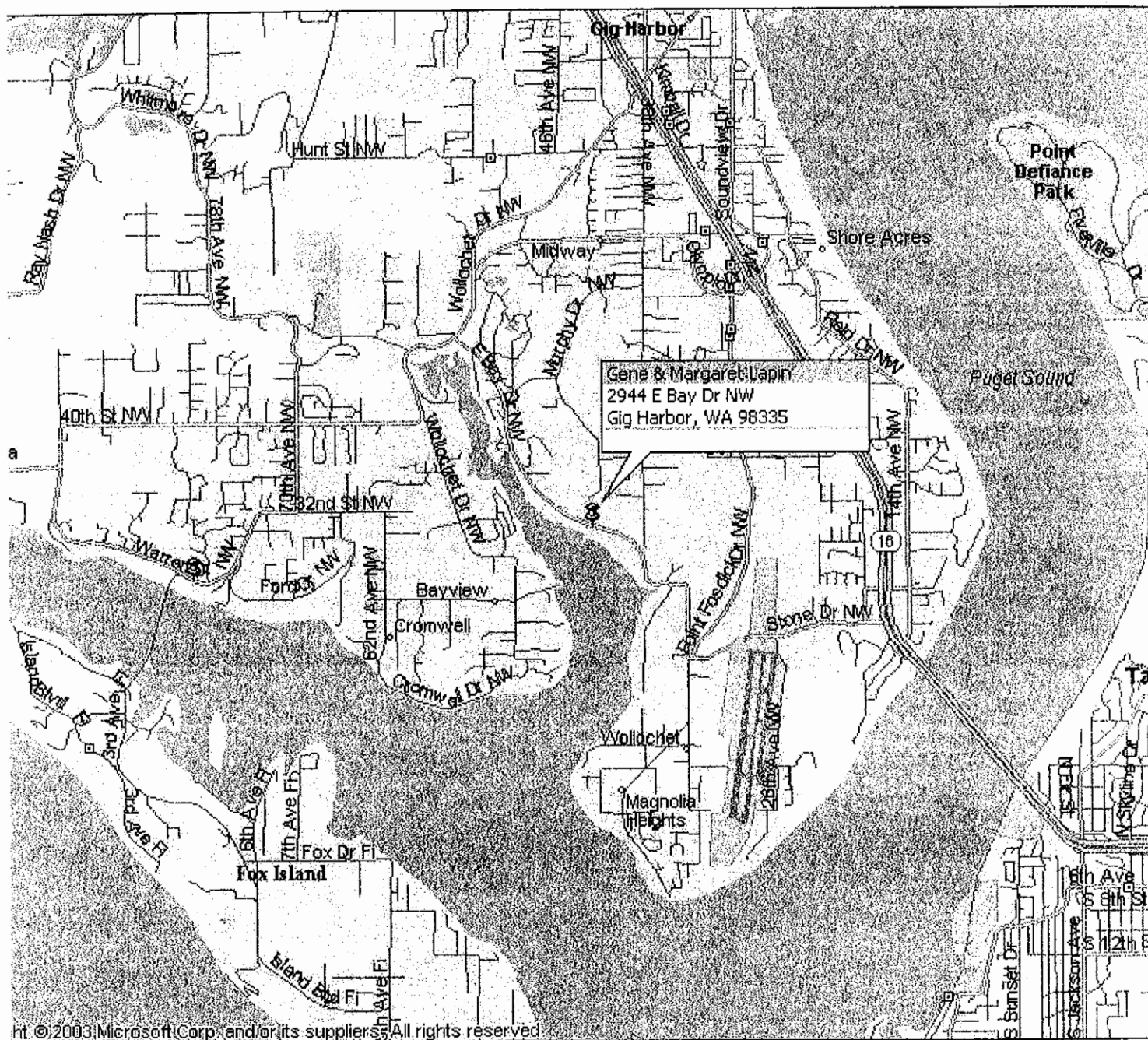
COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. All e-mail comments should be sent to Olivia.H.Romano@usace.army.mil.

Conventional mail comments should be sent to the U.S. Army Corps of Engineers, Regulatory Branch, Post Office Box 3755, Seattle, Washington, 98124-3755. Both conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration. Please include the following name and reference number:

Lapin, Gene and Margaret, 200400990

Encl

Drawings (4)



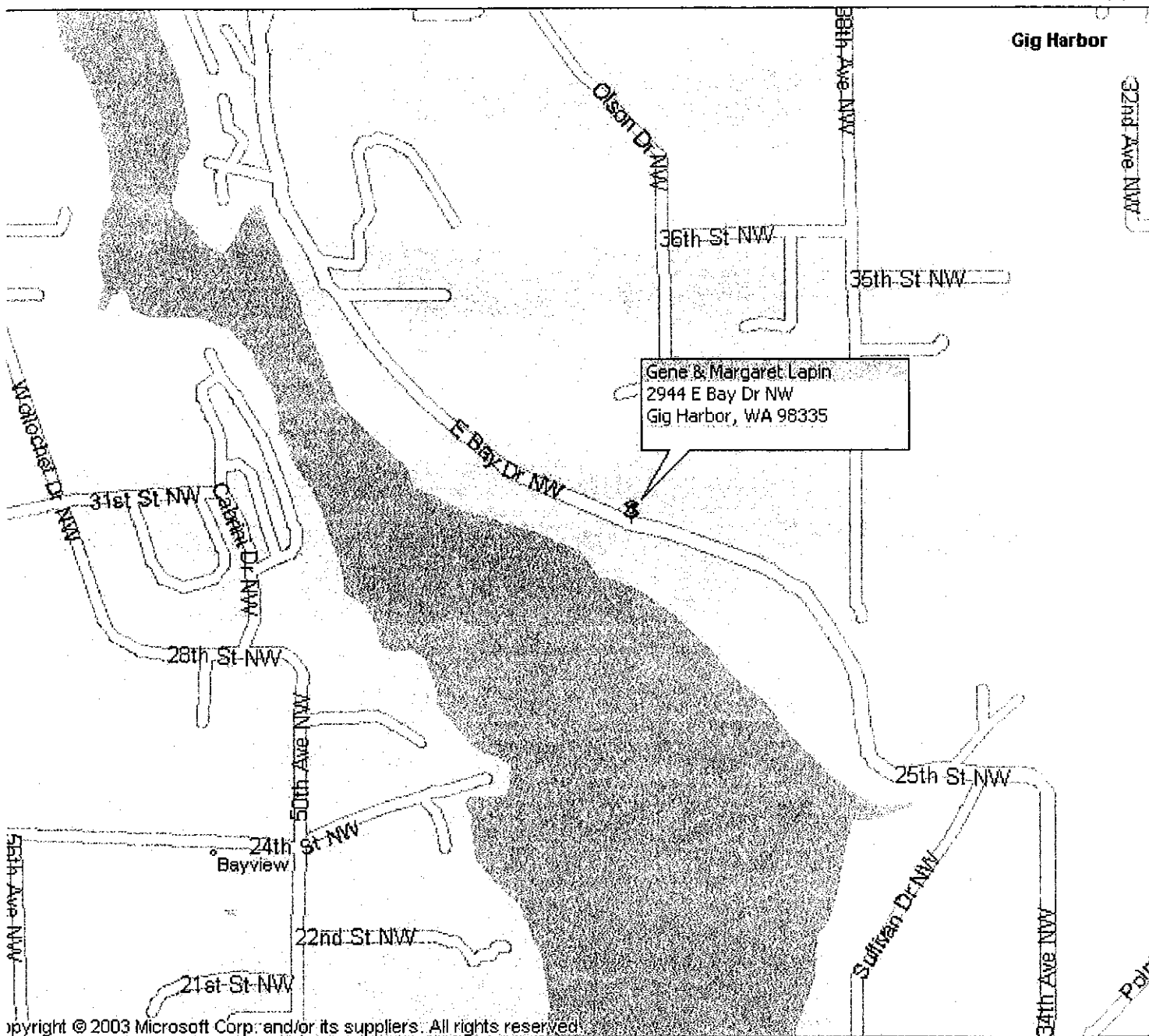
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Sec NE30 T 21N R 2E

Lat/Long

Corps Reference *

Purpose: Private use marine railway into existing boathouse Datum: 0.0	MARINE FLOATS Tacoma WA (253) 383-2740	Proposed: To construct a 6x170' marine railway.
Adjacent Property Owners: (1) James Vincent (2) Mike McGowen Corps # 200400900	Job Name: Lapin Dock Job Add: 2944 East Bay Drive NW Gig Harbor WA 98335 Mail Add: 802 Berg Court NW Gig Harbor WA 98335	In: Wollochet Bay At: Puget Sound County: Pierce State: WA Appl by: Gene and Margaret Lapin Date: 8/2/04/Revised 11/2/04 Page 1 of 4



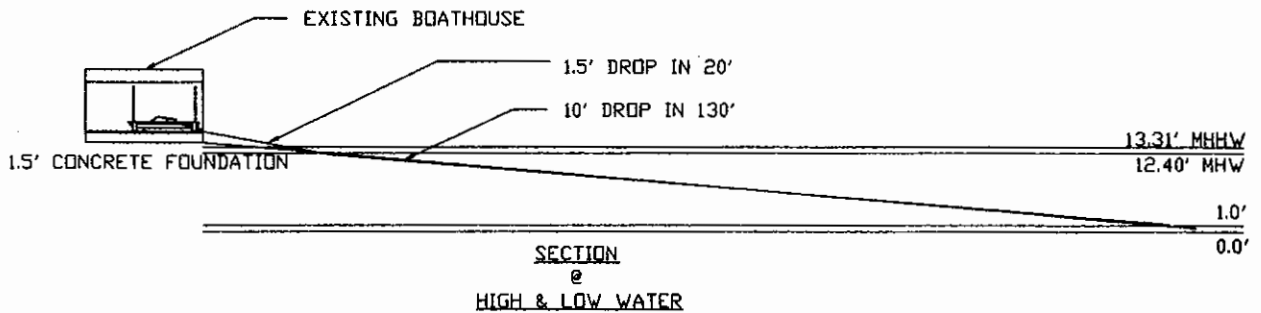
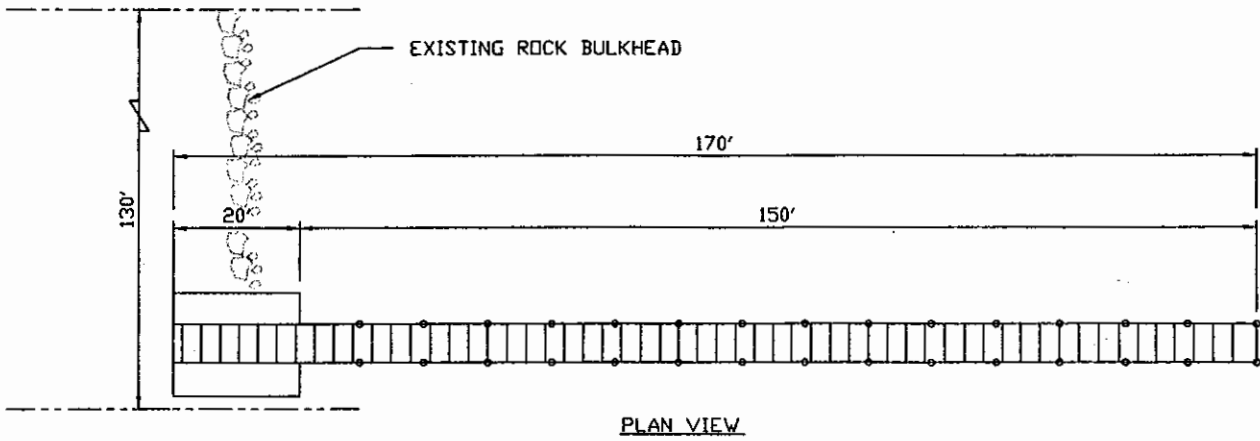
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Purpose: Private use marine railway into existing boathouse Datum: 0.0	MARINE FLOATS Tacoma WA (253) 383-2740	Proposed: To construct a 6x170' marine railway.
Adjacent Property Owners: (1) James Vincent (2) Mike McGowen <i>Cover # 200400507</i>	Job Name: Lapin Dock Job Add: 2944 East Bay Drive NW Gig Harbor WA 98335 Mail Add: 802 Berg Court NW Gig Harbor WA 98335	In: Wollochet Bay At: Puget Sound County: Pierce State: WA Appl by: Gene and Margaret Lapin Date: 8/2/04/ <i>Revised</i> Page 2 of 4



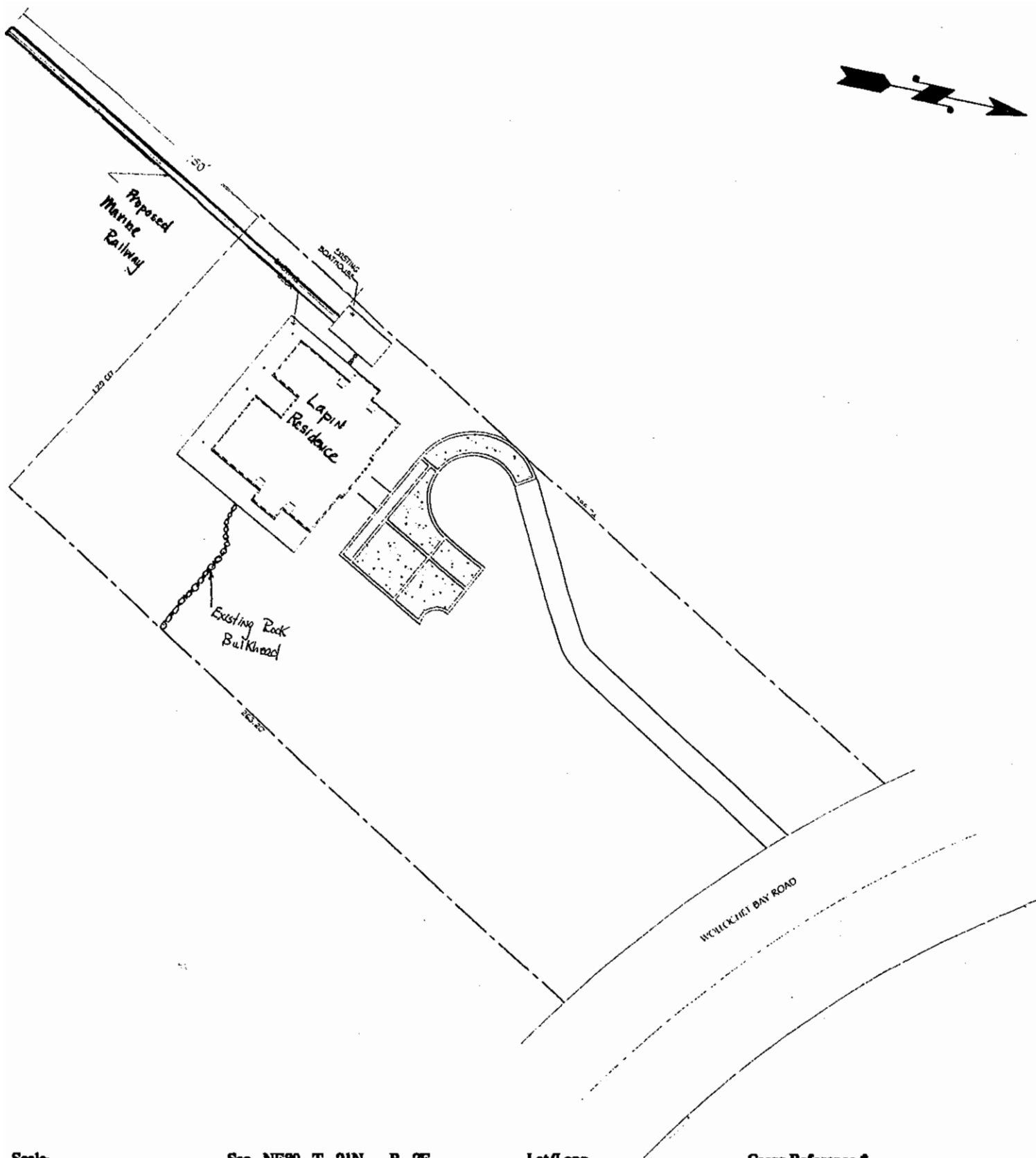
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Lat/Long

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

*P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006*

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Notice of Application for
Water Quality Certification
and for
Certification of Consistency with the
Washington Coastal Zone Management Program

Date: July 1, 2005

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 401 of the federal Clean Water Act of 1977 (PL 95-217), to certify that the project described in the U.S. Army Corps of Engineers Public Notice No. 200400990 will comply with the Sections 301, 302, 303, 306, and 307 of the Act, and with applicable provisions of State and Federal water pollution control laws.

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 307© of the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451), to certify that the above referenced project will comply with the Washington State Coastal Zone Management Program and that the project will be conducted in a manner consistent with that program.

Any person desiring to present views on the project pertaining to the project on either or both (1) compliance with water pollution control laws or (2) the project's compliance or consistency with the Washington State Coastal Zone Management Program may do so by providing written comments within 20 days of the above publication date to:

Federal Permit Coordinator
Department of Ecology
SEA Program
Post Office Box 47600
Olympia, Washington 98504-7600